

# UNITED STATES COURT OF APPEALS DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW  
Washington, DC 20001-2866  
Phone: 202-216-7000 | Facsimile: 202-219-8530

## AGENCY DOCKETING STATEMENT

*Administrative Agency Review Proceedings (To be completed by appellant/petitioner)*

1. CASE NO. 24-1271 2. DATE DOCKETED: 08-05-2024
3. CASE NAME (lead parties only) American Chemistry Council v. U.S. Environmental Protection Agency
4. TYPE OF CASE: ☒ Review ☐ Appeal ☐ Enforcement ☐ Complaint ☐ Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? ☐ Yes ☒ No  
If YES, cite statute \_\_\_\_\_
6. CASE INFORMATION:
  - a. Identify agency whose order is to be reviewed: U.S. Environmental Protection Agency
  - b. Give agency docket or order number(s): 89 Fed. Reg. 39,124
  - c. Give date(s) of order(s): May 8, 2024
  - d. Has a request for rehearing or reconsideration been filed at the agency? ☐ Yes ☒ No  
If so, when was it filled? \_\_\_\_\_ By whom? \_\_\_\_\_  
Has the agency acted? ☐ Yes ☐ No If so, when? \_\_\_\_\_
  - e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):  
As a result of the Rule, Petitioners' members are exposed to, and will incur, costs and liability for, inter alia, reporting, site assessment, clean-up, removal, and remediation activities.
  - f. Are any other cases involving the same underlying agency order pending in this Court or any other? ☒ Yes ☐ No If YES, identify case name(s), docket number(s), and court(s)  
See attachment
  - g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents? ☒ Yes ☐ No If YES, give case name(s) and number(s) of these cases and identify court/agency:  
See attachment
  - h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? ☐ Yes ☒ No If YES, provide program name and participation dates.  
\_\_\_\_\_  
\_\_\_\_\_

Signature /s/ Elbert Lin

Date 09-03-2024

Name of Counsel for Appellant/Petitioner Elbert Lin

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### ATTACH A CERTIFICATE OF SERVICE

**Note:** If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

Docketing Statement Attachment*American Chemistry Council v. Environmental Protection Agency*

Case No. 24-1271

6.f. Are any other cases involving the same underlying agency order pending in this Court or any other? If YES, identify case name(s), docket number(s), and court(s):

Yes—see list below.

- *Chamber of Commerce of the United States of America, et al v. EPA, et al.*, No. 24-1193 (D.C. Cir.)
- *Institute of Scrap Recycling Industries v. EPA, et al.*, No. 24-1261 (D.C. Cir.)
- *American Forest & Paper Association v. EPA, et al.*, No. 24-1266 (D.C. Cir.)
- *American Fuel & Petrochemical Manufacturers v. EPA, et al.*, No. 24-1272 (D.C. Cir.)

In August 2024, the Court consolidated all of these cases under Case No. 24-1193.

6.g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve substantially the same issues as the instant case presents? If YES, give case name(s), docket number(s), and court(s):

Yes—see list below.

- *Chamber of Commerce of the United States of America, et al v. EPA, et al.*, No. 24-1193 (D.C. Cir.)
- *Institute of Scrap Recycling Industries v. EPA, et al.*, No. 24-1261 (D.C. Cir.)
- *American Forest & Paper Association v. EPA, et al.*, No. 24-1266 (D.C. Cir.)
- *American Fuel & Petrochemical Manufacturers v. EPA, et al.*, No. 24-1272 (D.C. Cir.)

**CERTIFICATE OF SERVICE**

I hereby certify that on September 3, 2024, I caused a true and correct copy of the foregoing document to be filed via the Court's electronic-filing system, which will send electronic notification of such filing to all counsel of record in this action.

Dated: September 3, 2024

/s/ Elbert Lin  
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